

ASSEMBLY BILL

No. 924

Introduced by Assembly Member Maldonado

February 20, 2003

An act to amend Section 602.8 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 924, as introduced, Maldonado. Trespass.

Existing law provides that any person who, without the written permission of the landowner, owner's agent, or person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, is for a first offense guilty of an infraction punishable by a fine of \$10; and for a 2nd offense guilty of an infraction punishable by a fine of not less \$100 nor more than \$250.

This bill would revise the above penalty provisions to instead provide that for a trespass on the same land or any contiguous land of the same landowner, without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land, a first offense is punishable by a fine of \$100 and a 2nd offense is punishable by a fine of \$250. The bill would make clarifying and conforming changes to these and related provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 602.8 of the Penal Code is amended to
2 read:



602.8. (a) Any person who without the written permission of the landowner, the owner's agent ~~or of~~, or the person in lawful possession of the land, willfully enters any lands under cultivation or enclosed by fence, belonging to, or occupied by, another, or who willfully enters upon uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than three to the mile along all exterior boundaries and at all roads and trails entering the lands, is guilty of an infraction or a misdemeanor.

(b) Any person convicted of a violation of subdivision (a) shall be punished as follows:

(1) For a first offense, punished as an infraction by a fine of ~~ten dollars (\$10)~~ *one hundred dollars (\$100)*.

(2) For a second offense on *the same land or any contiguous land of the same owner landowner; without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land*, punished as an infraction by a fine of ~~not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250)~~.

(3) For a third or subsequent offense on *the same land or any contiguous land of the same owner landowner; without the permission of the landowner, the landowner's agent, or the person in lawful possession of the land*, by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000), or both.

(c) Subdivision (a) shall not apply to any of the following:

(1) Any person engaged in lawful labor union activities which are permitted to be carried out on property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act.

(2) Any person on the premises who is engaging in activities protected by the California or United States Constitution.

(3) Any person described in Section 22350 of the Business and Professions Code who is making a lawful service of process.

(d) For any infraction charged pursuant to this section, the defendant shall have the option to forfeit bail in lieu of making a court appearance. Notwithstanding subdivision (e) of Section

- 1 853.6, if the offender elects to forfeit bail pursuant to this
- 2 subdivision, no further proceedings shall be had in the case.

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